

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JASON OVERHOLT and
JENNIFER OVERHOLT

V.

WELLS FARGO BANK, N.A.

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CASE NO. 4:10-CV-618

Judge Schneider/ Judge Mazzant

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 2, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss (Dkt. #15) should be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant's Motion to Dismiss (Dkt. #15) is **GRANTED** in part and **DENIED** in part.

The following causes of action are **DISMISSED**: Negligent Misrepresentation and Gross Negligence. The remainder of the motion is denied

It is SO ORDERED.

SIGNED this 13th day of October, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE